IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7993 OF 2005

Paranjape Metal Shapers Pvt. Ltd. ...Petitioner
Vs.
State of Maharashtra & Ors. ...Respondents

Mr.A.D.Patwardhan Adv. for Petitioner
Mr. V.P. Malwankar A.G.P. for Respondents 1 & 2
Mr. Mihir Desai Adv. for Respondent No.3

CORAM: F.I.REBELLO & ROSHAN DALVI, JJ.
DATED: 30TH NOVEMBER , 2005

P.C.

. Rule. Heard forthwith.

2. The grievance of the Petitioner is the subsequent demand made by the Union by communication dated 23rd May 2004, they have also made counter demands which are before the Conciliation Officer. The Conciliation Officer has submitted failure report. The Appropriate Government thereafter has made a reference only in respect of the demand by the workmen but has chosen not to consider the demands as raised by the employer, consequently the present petition.

3. We have heard learned Counsel for the parties. The concept of industrial adjudication is to enable the parties, employer and employee to have their grievance adjudicated at the earliest. This would mean that the demands as raised by the workmen should be heard independently from demands of employer, unless so inter-linked that one cannot be decided without deciding both, Clubbing of two demands,

primafacie would defeat the scheme, as the employer in a reference can always file a reply to the demand made by the Union. In these circumstances if the appropriate Government has chosen not to make a joint reference, we find no infirmity with the said exercise and the same does not warrant interference by this Court.

4. However, the fact remains that the employer in the instant case had also raised demand which was the subject matter of conciliation and subsequent failure report.It was for the appropriate Government to consider the said failure report and thereafter take appropriate decision whether to make reference or not and Communicate the same to the employer considering Section 12 of the Industrial Disputes Act 1947. Considering that the matter is pending for some time we direct the appropriate Government at any rate to take decision within 16 weeks from today.

5. We also make it clear that the Industrial Court will consider reference of the workmen as raised and not to keep it pending and await reference of the employers demands if any, by the appropriate Government.

. Rule made absolute accordingly. There shall be no order as to costs.

(F.I.REBELLO J.)

(ROSHAN DALVI, J.)